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OFFICE OF PETITIONS

In re Application of	:	
Nakamura et al.	:	
Application No.: 10/032,184	:	DECISION ON
Filing or 371(c) Date: 12/21/2001	:	PETITION
Attorney Docket Number: 112857-309	:	

This is a decision in response to the Renewed Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181, filed December 12, 2006.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final office action, mailed December 5, 2006. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 6, 2006. A Notice of Abandonment was mailed July 18, 2006.

August 4, 2006 Petition under 37 CFR 1.181

Applicant filed a petition to withdraw the holding of abandonment on August 4, 2006, and asserted that a timely reply to the Office action was filed via facsimile on January 23, 2006. In support of this assertion, Applicant provided a copy of an Amendment which included a Certificate of Transmission dated January 23, 2006, and executed by Julie A. Jager; however, no statement from Ms. Jager attesting to the transmission was filed.

The petition was dismissed in a Decision mailed October 30, 2006. A statement from Ms. Jager was required.

The present renewed petition

Applicant files the present renewed petition and includes a statement from Ms. Jager which attests on a personal knowledge basis to the previous timely mailing or transmission.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3653 for processing of the response, and for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods

Attorney
Office of Petitions